

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**CAMP DRUG STORE, INC., an Illinois
corporation, individually and as the
representative of a class of similarly-
situated persons;
*Plaintiff,***

v.

No. SA-19-CV-01009-JKP-RBF


**REAL VALUE PRODUCTS
CORPORATION,
*Defendant.***

ORDER

Based upon the *Joint Motion to Dismiss by Stipulation* (ECF No. 35), this action is dismissed with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii). When plaintiffs satisfy the requirements of Rule 41(a)(1)(A), the case may be voluntarily dismissed without a court order. Because Plaintiffs have filed a stipulation of dismissal signed by all parties, they have complied with Rule 41(a)(1)(A)(ii) and there is no need for a court order of dismissal. The parties, nevertheless, request a court order by filing their stipulation as a motion.

The proper procedure for obtaining a court ordered dismissal is to file a motion to dismiss under Fed. R. Civ. P. 41(a)(2), not a notice of dismissal under Rule 41(a)(1)(A)(i) or a stipulation of dismissal under Rule 41(a)(1)(A)(ii). Although Plaintiffs have complied with the procedure for obtaining a dismissal without court order, the parties jointly request that the Court issue a formal order of dismissal. Even though such an order is unnecessary under the Federal Rules of Civil Procedure, the Court issues this order. Pursuant to the *Joint Motion to Dismiss by Stipulation* filed by the parties, the Court dismisses all claims made in this action with prejudice, with each party to bear its own costs. **The Clerk of Court is directed to close this case.**

It is so ORDERED this 26th day of April 2021.


**JASON PULLIAM
UNITED STATES DISTRICT JUDGE**